

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER KIRKLAND L MAHLUM

DATE: 02/28/05 TIME: 9:00 DEPT: B3

CASE #: BG BS00402

CASE NAME: DARRIEN POTTOER & FORREST & RACHELLE MANNING

HEARING:

Hearing re: FURTHER INVESTIGATION

COUNSEL:

RONALD M CLARK	(PET)...PRO/PER
M KELLY CLARK	(PET)...PRO/PER
DARRIEN POTTER	(MIN)...
FORREST MANNING	(MIN)...
RACHELLE MANNING	(MIN)...

GENERAL INFORMATION: continued from 1-10-05. Court continued matter for further investigation. All relevant parties were ordered to contact the Court Investigator. Parents were given supervised visitation pursuant to F.C.S. recommendation. Matter referred back to Court Investigator for further report and recommendation. We are awaiting report.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minors 8, 4 and 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice has been dispensed to father and paternal grandparents of the Potter minor.
2. File notice of hearing and proof of personal service on parents Becky and Forrest Manning. **Parents were present at the last hearing. Did the court wish to dispense the requirement of personal service?**
3. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BC BS00032

CASE NAME: IN THE CONSERVATORSHIP OF MARK STOTT

HEARING:

Hearing re: Pet for Examination of Linda Lingren Re: Assets

COUNSEL:

MARK DAVIDS STOTT (CEP) ...
LINDA LINGREN (PLA) ...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition for examination of Conservator re assets.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The Conservatee is alleged to have caused a grease fire that damaged personal property on the adjoining real property. Petitioner alleges that he has asked Conservator for information concerning insurance carriers and has been denied that information. Petitioner therefore requests the court to cite the Conservator into court to answer questions under oath.
2. Pr.C. § 2616 allows any interested person to bring a petition to request the court cite another into court concerning an instrument in writing owned by the Conservatee. Here, the instrument in writing would be the insurance policy.

RECOMMENDATION:

There appears to be good cause to issue the citation.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BC BS00071

CASE NAME: EVELYN TOLLADAY

HEARING:

Hearing re: 2nd & Final Acct/Pet to Terminate Conservatorship

COUNSEL:

KATHERINE GINGHER	(PET)...PRO/PER
EVELYN TOLLADAY	(CEP)...
CYNTHIA SCHAFTE	(PET)...JANET M HERRING
DIANE HARKINSON	(CE)...

GENERAL INFORMATION: Continued from 12-21-04 and 1-18-05. Letters issued October 25, 2002. Conservatee moved to Arizona to be with her adult daughter, Katherine Gingher. Conservatorship letters were issued by the Superior Court of Yavapai County, State of Arizona on August 6, 2004. Proof of the Arizona conservatorship was provided to this court on September 14, 2004. The matter is now on calendar for a final accounting and petition to terminate the conservatorship by the preceding conservator. Accounting covers period of January 15, 2004 through September 14, 2004. Conservatee is married to Robert G. Tolladay who is also a conservatee. Petitioner is conservator to both Evelyn and Robert.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks \$1,243 in fees (16.58 hours at \$75 per hour). Amount is itemized. Approximately two times per month during the accounting period, petitioner has charged the estate .25 for "Administrative Record Keeping." These charges amount to 3.5 hours for a total of \$262.50. It is not clear exactly what activities fall under the "Administrative Record Keeping category." Reviewing bills and writing checks, ordering new

checks, telephone calls and letters are all individually itemized. Please submit verified supplemental providing further detail and explanation. Additionally, petitioner bills 4.5 hours for accounting and transfer of assets. Petitioner acknowledges that counsel actually prepared the accounting. Please submit verified supplemental indicating the specific activities undertaken for preparation of accounting. Finally, petitioner is billing her time at \$75 per hour. Generally, professional conservators earn between \$45-55 per hour for professional services for which a license or specialized training is required. For non-professional services such as visits, bill paying and attending to the conservatee's personal needs, a professional conservator is paid between \$25-35. In this case, all of the activities appear to be of a non-professional type and therefore, the maximum hourly rate should be no greater than \$35 per hour. Thus, the fees should be reduced to \$580.30. Please see note 1 in following case regarding concern over double billing. **In a supplement petitioner alleges "administrative record keeping" is the amount of time it takes write down how much time it takes to do things. The 4.5 hours in preparation of accounting includes maintaining and balancing records, ordering missing bank statements and phones calls to attorney and paralegal re accounting. Petitioner alleges that the average fees for Conservators in Los Angeles and San Bernardino Counties is \$55-\$110 per hour. Petitioner alleges that \$35 per hour is the lowest fee she has ever heard. It would appear that the petitioner would be correct if the only issue were professional type activity in relationship to the Conservatee. However, when the activity is non-professional wherein another could be hired to do the job at a much lower rate the courts have reduced the fee to the amount specified. Judge to decide if fees are appropriate.**

2. Petitioner requests attorney fees in the amount of \$1,400. Amount is not itemized. 10 of the 13 hours billed is allocated to paralegal time. 6 of the 10 paralegal hours are billed at the rate of \$75 per hour. Generally, paralegal time is billed at the rate of \$65-70 per hour. Thus, the fees should at least be reduced to \$1,350. Please submit itemization. **Counsel has now provided only a generalized statement. Judge to decide if sufficient.**
3. According to the disbursement schedule, on August 23, 2004, a \$10,000 disbursement was made to the conservatee. A receipt for the same amount was filed indicating that the successor conservator received the money. Please provide supplemental indicating the nature and purpose of the distribution. **Per petitioner this money was distributed to the successor Conservator to begin paying the Conservatee's bills in Arizona, where the Conservatee moved.**

RECOMMENDATION: If petition granted, court will have to set hearing for proof of transfer of estate funds to successor conservator and for final discharge. Set date for 7-12-05.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BC BS00072

CASE NAME: ROBERT GEORGE TOLLADAY

HEARING:

Hearing re: 2nd & Final Acct/Pet to Terminate Conservatorship

COUNSEL:

KATHERINE GINGHER (PET)...PRO/PER
ROBERT GEORGE TOLLADAY (CEP)...
CYNTHIA SCHAFTE (PET)...JANET M HERRING
DIANE HARKINSON (CE)...

GENERAL INFORMATION: Continued from 12-21-04 and 1-18-05. Letters issued October 25, 2002. Conservatee moved to Arizona to be with his adult daughter, Katherine Gingher. Conservatorship letters were issued by the Superior Court of Yavapai County, State of Arizona on August 6, 2004. Proof of the Arizona conservatorship was provided to this court on September 14, 2004. The matter is now on calendar for a final accounting and petition to terminate the conservatorship by the preceding conservator. Accounting covers period of January 15, 2004 through September 14, 2004. Conservatee is married to Evelyn Tolladay who is also a conservatee. (See preceding notes.) Petitioner is conservator to both Evelyn and Robert.

1. Petitioner seeks \$1,421 in fees (18.95 hours at \$75 per hour). Amount is itemized. Approximately two times per month during the accounting period, petitioner has charged the estate .25 for "Administrative Record Keeping." These charges amount to 3.5 hours for a total of \$262.50. It is not clear exactly what activities fall under the "Administrative Record Keeping category." Reviewing bills and writing checks, ordering new checks, telephone calls and letters are all individually itemized. Please submit verified supplemental providing further detail and explanation. Additionally, petitioner bills 4.5 hours for accounting and transfer of assets.

Petitioner acknowledges that counsel actually prepared the accounting. Please submit verified supplemental indicating the specific activities undertaken for preparation of accounting. Petitioner is billing her time at \$75 per hour. Generally, professional conservators earn between \$45-55 per hour for professional services for which a license or specialized training is required. For non-professional services such as visits, bill paying and attending to the conservatee's personal needs, a professional conservator is paid between \$25-35. In this case, all of the activities appear to be of a non-professional type and therefore, the maximum hourly rate should be no greater than \$35 per hour. It also appears that petitioner double billed for a single activity completed on behalf of both Robert and Evelyn. For instance, on May 5, 2004, petitioner billed each estate .25 for copying and sending documents to the successor conservator. Likewise, on June 9, 2004, petitioner billed both estates for reviewing objections to fees from successor conservator and receiving receipts from successor conservator. Please provide verified supplemental regarding fee irregularities. **In a supplement petitioner alleges "administrative record keeping" is the amount of time it takes write down how much time it takes to do things. The 4.5 hours in preparation of accounting includes maintaining and balancing records, ordering missing bank statements and phones calls to attorney and paralegal re accounting. Petitioner alleges that the average fees for Conservators in Los Angeles and San Bernardino Counties is \$55-\$110 per hour. Petitioner alleges that \$35 per hour is the lowest fee she has ever heard. It would appear that the petitioner would be correct if the only issue were professional type activity in relationship to the Conservatee. However, when the activity is non-professional wherein another could be hired to do the job at a much lower rate the courts have reduced the fee to the amount specified. Judge to decide if fees are appropriate.**

2. Petitioner requests attorney fees in the amount of \$1,550. Counsel charges \$250 per hour and bills 6 out of 11 paralegal hours at \$75 per hour. Amount is not itemized. Generally, paralegal time is billed at the rate of \$65-70 per hour. Thus, the fees should at least be reduced to \$1,520. Please submit itemization. **Counsel has submitted an itemization indicating that counsel is now requesting \$1,675 in fees for having to address the notes. The itemization is a generalized itemization. For example on 10-11-04 5 hours are billed for working on the accounting. However, the annotation does not indicate that the work occurred on that date as the transaction says "Accounting-various days". Judge to decide if fees are appropriate.**
3. According to the disbursement schedule, on August 23, 2004, a \$10,000 disbursement was made to the conservatee. A receipt for the same amount was filed indicating that the successor conservator received the money. Please provide supplemental indicating the nature and purpose of the distribution. **Per petitioner this money was distributed to the**

successor Conservator to begin paying the Conservatee's bills in Arizona, where the Conservatee moved.

RECOMMENDATION: If petition granted, court will have to set hearing for proof of transfer of estate funds to successor conservator and for final discharge. Set date for 7-5-05.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00390

CASE NAME: REBECCA CHEYANNE BURKHOUSE

HEARING:

Petition for Appointment of Guardian

COUNSEL:

RICHARD LEE BURKHOUSE (PET)...PRO/PER
JACQUELINE LEE BURKHOUSE (PET)...PRO/PER
REBECCA CHEYANNE BURKHOUSE (MIN)...

GENERAL INFORMATION: Continued from October 5, 2004 and 12-21-04, to clear notes and await Court Investigator's Report. Court Investigator report is now in the file.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File certified copy of minor's birth certificate.

RECOMMENDATION:

None.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BG BS00405

CASE NAME: IN THE GUARDIANSHIP OF JOHN BARKER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

WILLIAM BARKER (PET)...PRO/PER

IRENE BARKER (PET)...PRO/PER

JOHN BARKER (MIN)...

GENERAL INFORMATION: Temporary letters issued 11-9-04. Continued from 1 - 18-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 10.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on mother (Patricia Barker).
2. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00527

CASE NAME: ESTATE OF LAURA LYNN

HEARING:
Status Conference

COUNSEL:
WILLIAM A MILLOY (PET)...PRO/PER
LAURA EVELYN LYNN (DEC)...

GENERAL INFORMATION: Matter has been continued 12 times, sometimes as a contempt proceeding for failure to file receipts and discharge, sometimes as a hearing on filing of receipts and final discharge and sometimes as a status conference. On 11-30-04 the court ordered Mr. Milloy to file receipt prior to the 3-1-05 hearing. Nothing new filed.

THIS CASE IS SET FOR HEARING ON status conference.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order filed.

RECOMMENDATION:
None.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 03/01/05 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00857

CASE NAME: ROSEMARIE H CORRIGAN

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

FRANCIS CORRIGAN (PET)...JOHN F WEBER
ROSEMARIE H CORRIGAN (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to administer, with limited I.A.E.A authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Bond not required as only asset is real property and only limited authority requested.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 8-23-05. Set hearing for filing of status report and/or accounting for 4-11-06. Any accounting to be filed 30 days in advance.